

## SURFACE TRANSPORTATION BOARD

## DECISION

Docket No. EP 526 (Sub-No. 9)

NOTICE OF RAILROAD-SHIPPER TRANSPORTATION  
ADVISORY COUNCIL VACANCY

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of vacancy on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

SUMMARY: The Board hereby gives notice of a vacancy on RSTAC for an at-large (public interest) representative. The Board is soliciting suggestions for candidates to fill this vacancy.

DATES: Nominations are due on June 29, 2017.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's website, at <http://www.stb.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 526 (Sub-No. 9), 395 E Street, S.W., Washington, DC 20423-0001 (if sending via express company or private courier, please use zip code 20024). Please note that submissions will be available to the public at the Board's offices and posted on the Board's website under Docket No. EP 526 (Sub-No. 9).

FOR FURTHER INFORMATION, CONTACT: Katherine Bourdon at 202-245-0285. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Board, created in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. §§ 10701-47, 11101-24), as well as the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. §§ 10901-07) and railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. §§ 10902, 11323-27).

RSTAC was established upon the enactment of the ICC Termination Act of 1995 (ICCTA), on December 29, 1995, to advise the Board's Chairman; the Secretary of

Transportation; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues RSTAC considers significant. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA directs RSTAC to develop private-sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. The Secretary of Transportation and the members of the Board cooperate with RSTAC in providing research, technical, and other reasonable support. RSTAC also prepares an annual report concerning its activities and recommendations on whatever regulatory or legislative relief it considers appropriate. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC currently consists of 19 members. Of this number, 15 members are appointed by the Chairman of the Board, and the remaining four members are comprised of the Secretary of Transportation and the Members of the Board, who serve as *ex officio*, nonvoting members.<sup>1</sup> Of the 15 members, nine members are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least four of the voting members must be representatives of small shippers as determined by the Chairman, and at least four of the voting members must be representatives of Class II or III railroads. The remaining six members to be appointed—three representing Class I railroads and three representing large shipper organizations—serve in a nonvoting, advisory capacity, but are entitled to participate in RSTAC deliberations.

RSTAC is required by statute to meet at least semi-annually. In recent years, RSTAC has met four times a year. Meetings are generally held at the Board's headquarters in Washington, D.C., although some are held in other locations.

RSTAC members receive no compensation for their services and are required to provide for the expenses incidental to their service, including travel expenses, as the Board cannot provide for these expenses. RSTAC may solicit and use private funding for its activities, again subject to certain restrictions in ICCTA. RSTAC members currently have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RSTAC, as long as they do so in a representative capacity, rather than an individual capacity. See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Commn's., 79 Fed. Reg. 47,482 (Aug. 13, 2014). Members of RSTAC are appointed to serve in a representative capacity.

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<sup>1</sup> The Surface Transportation Board Reauthorization Act of 2015, Pub. L. No. 114-110 (2015), increased the number of Board Members from three to five. Once additional Board Members are appointed, they will also serve as RSTAC *ex officio*, nonvoting members.

RSTAC members are appointed for three-year terms. A member may serve after the expiration of his or her term until a successor has been appointed. No member will be eligible to serve in excess of two consecutive terms.

Due to the expiration of an RSTAC member's term, a vacancy exists for an at-large (public interest) representative. Upon appointment by the Chairman, the new representative will serve for three years and may be eligible to serve a second three-year term following the end of his or her first term.

Suggestions for candidates to fill this vacancy should be submitted in letter form, identify the name of the candidate, provide a summary of why the candidate is qualified to serve on RSTAC, and contain a representation that the candidate is willing to serve as a member of RSTAC effective immediately upon appointment. RSTAC candidate suggestions should be filed with the Board by June 29, 2017. Members selected to serve on RSTAC are chosen at the discretion of the Board's Chairman. Please note that submissions will be available to the public at the Board's offices and posted on the Board's website under Docket No. EP 526 (Sub-No. 9).

Authority: 49 U.S.C. § 1325.

Decided: May 30, 2017

By the Board, Rachel D. Campbell, Director, Office of Proceedings.